IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1941 OF 2004

Ashokrao D. Khoche & Ors. ..Petitioners

versus

Police Inspector, Gangapur
Police Station & Anr. ..Respondents

Mr. S. A. Sawant for the Petitioners.

Mrs. P. H. Kantharia, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
V. K. TAHILRAMANI,JJ.

DATE : 8TH MARCH, 2006

P.C. :

1. Heard learned counsel for the petitioners and learned APP for the State.

2. This writ petition is filed by the three petitioners, one of them is dead i.e. petitioner No.1, petitioner No.2 is the complainant, and petitioner No.3 is a witness cum Magistrate. The case at their instance is pending at Aurangabad vide Sessions Case No. 293 of 2003 before the 5th Adhoc Additional Sessions Judge. Petition is for

transferring the case to Bombay on the ground that there is a threat to the life of the petitioner Nos. 2 and 3 if they go to Aurangabad for giving their evidence in the said case.

3. The learned APP pointed out that they have filed an affidavit opposing this prayer for transfer. Even otherwise ordering police to provide sufficient police protection to the petitioner Nos. 2 and 3 whenever they go to Aurangabad for deposing in the said case pursuant to the summons or notices issued by the 5th Adhoc Additional Sessions Judge, Aurangabad, would be sufficient, in our opinion. We, therefore, pass the following order:

ORDER

. Petitioner Nos. 2 and 3 to give their detailed address to the Police Station within whose jurisdiction they reside, and, Aurangabad Court will also be given their particulars, i.e. their addresses where summons can be sent by Aurangabad Court. After complying with this requisitions whenever petitioner Nos. 2 and 3 receive summons or notices from the 5th Adhoc Additional Sessions

Judge, Aurangabad in the Sessions Case No. 293 of 2003, Senior P.I. of the concerned police station will provide police protection by way of armed escorts for enabling the petitioners to go to Aurangabad, stay there till their evidence is over and come back to their place of residence, at the cost of the State.

. Petition disposed of accordingly.

. All concerned parties to act on certified copy of this order.

(D.G. DESHPANDE, J.)

(V.K. TAHILRAMANI, J.)